



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

Subject of possible rule making:

Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations.

Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

Statutes authorizing the agency to adopt rules on this subject:

RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060

Reasons why rules on this subject may be needed and what they might accomplish:

The National Ski Area Association, in conjunction with the Washington Avalanche Control Council, recommended that the department adopt language that increases fuse length burn time from seventy to ninety seconds and to eliminate the relighting of fuses based on a fatality in the industry.

Currently the use of explosives for avalanche control only applies to ski operations. The scope will be changed to apply to all avalanche control operations using explosives in the state of Washington. The department is proposing moving the avalanche control language from Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations into Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

References will also be updated throughout other WISHA rules.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

No other state or federal agencies, other than Occupational Safety and Health Administration (OSHA), are known that regulate this subject.

Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) The department must adopt rules identical to or at least as effective as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Beverly Clark, Administrative Regulatory Analyst
WISHA Services Division
Post Office Box 44620
Olympia, Washington 98504-4620
(360) 902-5516
Fax (360) 902-5529

DATE

November 22, 2005

NAME (TYPE OR PRINT)

Gary Weeks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR # 05-23-139